

**Notice of Allowability**

Application No.

10/669,034

Examiner

Marivelisse Santiago-Cordero

Applicant(s)

PINDER, ELLIS A.

Art Unit

2617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed on 7/03/2006.
2. ☒ The allowed claim(s) is/are 1-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/3/06 has been entered.

#### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative, Barbara Doutre, on August 31, 2006.

4. The application has been amended as follows:

Claim 12 (Currently Amended): A method for self-configuring an accessory to a radio, comprising:

at the accessory performing the steps of:

powering up an accessory having a serial memory device contained therein;

detecting the presence of options including mechanical, electrical, and software options within the accessory;

reading accessory parameter data from the serial memory device;

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comparing the accessory parameter data to the detected options;  
configuring the accessory for the detected options if the step of comparing did not result in a match;

the steps of powering up through configuring being performed without accessing the radio;

at the radio performing the step of:  
detecting the presence of the accessory by the radio; and  
operating the radio and the accessory in accordance with the detected options.

*Response to Arguments*

5. Applicant's arguments, see Remarks, filed on 07/03/2006, with respect to claims 1-26 have been fully considered and are persuasive.

*Allowable Subject Matter*

6. Claims 1-26 are allowed.

7. Claims 1-26 have been renumbered as follows:

Claims 1-4 and 18-19 were renumbered as Claims 1-6, respectively.

Claims 5-9 and 20-22 were renumbered as Claims 7-14, respectively.

Claims 10-12 and 23 were renumbered as Claims 15-18, respectively.

Claims 13-17 and 24-26 were renumbered as Claims 19-26, respectively.

8. The following is an examiner's statement of reasons for allowance:

Claims 1-4 and 18-19 (renumbered 1-6, respectively) are allowed because the closest prior art of record, Curtiss (Pub. No.: US 2003/0162562), either singularly or in combination, fail to anticipate or render obvious at the accessory, the accessory updating the serial memory device

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with the detected accessory option for self-configuration without accessing the radio (communication device), in combination with all other limitations in the claim(s) as defined by applicant.

Claims 5-9 and 20-22 (renumbered claims 7-14) are allowed because the closest prior art of record, Curtiss (Pub. No.: US 2003/0162562), either singularly or in combination, fail to anticipate or render obvious wherein the smart accessory self-configures itself, without accessing the communication device, in combination with all other limitations in the claim(s) as defined by applicant.

Claims 10-11 (renumbered claims 15-16, respectively) are allowed because the closest prior art of record, Curtiss in view of Bozoukov (Patent No.: 6,603,986), either singularly or in combination, fail to anticipate or render obvious the steps of providing through updating being performed to the accessory independently of the communication device, in combination with all other limitations in the claim(s) as defined by applicant.

Claims 12 and 23 (renumbered claims 17-18, respectively) are allowed because the closest prior art of record, Curtiss in view of Bozoukov (Patent No.: 6,603,986), either singularly or in combination, fail to anticipate or render obvious at the accessory performing the steps of powering up through configuring being performed without accessing the radio, in combination with all other limitations in the claim(s) as defined by applicant.

Claims 13-17 and 24-26 (renumbered claims 19-26, respectively) are allowed because the closest prior art of record, Curtiss (Pub. No.: US 2003/0162562), either singularly or in combination, fail to anticipate or render obvious at the accessory, the accessory microcontroller verifying and updating the parameter data to correspond with the accessory options without

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accessing the communication device, in combination with all other limitations in the claim(s) as defined by applicant.

In addition, newly cited references in attached PTO-892, fail to anticipate or render obvious self-configuring accessories without accessing the communication devices, in combination with all other limitations in the claim(s) as defined by applicant.

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marivelisse Santiago-Cordero whose telephone number is (571) 272-7839. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

msc 8/31/06

MSC

  
LESTER G. KINCAID  
SUPERVISORY PRIMARY EXAMINER